UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,654	04/02/2004	Kim C. Smith	P1607US01	3402

24333 7590 04/22/2005		EXAMINER
GATEWAY, INC.		GECKIL, MEHMET B

ART UNIT	PAPER NUMBER
2142	

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DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _4/2/04_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

1.   Claims 1-19 are presented for examination.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al.

4.   Imai et al (6,148,334) taught the invention substantially as claimed (e.g. as in the

exemplary claim 1) including a networked client server system for transmitting data from the

networked server system to a client system, comprising:

a) determining a display configuration capability of the client system (col 28 lines 66-67 and col

29 line 1 et seq);

b) filtering the data into meaningfully presentable data (e.g. only the selected files, e.g., see col

28 line 67 and col 29 line 1 et seq) and non meaningfully presentable data (e.g. the files that

cannot be utilized, e.g. see col 29 lines 6-8); and

c) transmitting the meaningfully presentable data from the networked computerized system to

the computerized client system (col 28 line 67 and col 29 line 1 et seq.)

5.   It would have been obvious to one of ordinary skill in the networking art at the time of

the invention that the claimed invention differed from the teachings of Imai et al only by a

degree, e.g. in the recitation of filtering and parsing data but parsing is an inherent feature of all

programs which process the requests, e.g., servers. Imai did not explicitly use the word

"filtering" but it would have been obvious to one of ordinary skill in the networking art at the

time of the invention that selecting the files the way Imai et al do constitutes an obvious variation

of filtering. Other claimed elements are all obvious variations of the well known features of

networking and client server architecture. For example, it is well known to those one skill in the

client server art that the programmer modifies the client code similar to the code of the server to

implement features implemented on the server code. E.g., processing in the client versus on the

server. Also, parsing is inherent in the operation of the client-server web based systems. A page

served by the web server is retrieved by the browser and browser parses the page and then

displays it. Imai et al system was certainly a web based system, e.g. see figure 3, showing

HTML page. Browser parses the elements or the tags shown the HTML page in figure 3.

Moreover, Imai's teachings goes into the heart of the claimed invention, e.g. determining the

capabilities of the client and serving the pages according to the client capabilities. That is to say

that there is a filtering in this selective serving. Applicant in the specification exactly describes

the same purpose, e.g. see page 8, last 4 lines, e.g., "The present invention functions in various

embodiments to filter and parse data, such that a presentable representation or portion of the data

may be displayed on the client device without loading the device with the data that the device is

incapable of processing."   What Imai teaches is that the selection by type is a filtering operation.

It is well known to one of ordinary skill in the art at the time of the invention that in client server

systems, the filtering is done by type declarations in the header of the page and filtering is done

according to this type information, (see US Patent 6,476,833, col 16, line 1 et seq.) It is well

known to one of ordinary skill in the art at the time of the invention that in client server systems

it is a routine for the programmer who writes the program to divide the functions so that the

server and client performs various functions. If a function is taught to be performed by the

server, it is obvious to implement that functionality in the client side or code. Examiner, in the

final note likes to point out that applicant in the specification generically taught parsing and

filtering in a high level and did not disclose minute details of the filtering algorithm or the

parsing module details. Therefore, the claimed parsing and filtering is generic and common

teachings of the web based client-server systems and their parsing and filtering and therefore

does not uniquely differ from the teachings of Imai et al.

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Moshfeghi (6,476,833) taught filtering and parsing details of HTML pages (col 15-16.)

Himmel et al (6,211,871) taught that a web browser is a program capable of parsing and

presenting a document written in HTML (col 5, line 13 et seq.)

7.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Mehmet Geckil whose telephone number is (571) 272-3894. The
examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor Jack Harvey, can be reached on (571) 272-3896.

The fax phone number for the organization where this application or proceeding is assigned is

(703) 872-9306. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/13/05

MEHMET B. GECKIL
PRIMARY EXAMINER